

For decades the Communications Act of 1934 provided the framework of broadcast ownership in the U. S. The 1996 revision of Communications law came about with references to the changing marketplace, technology, and demands of consumers. In fact, had the Communications Act of 1934 remained in effect, concentration of broadcast ownership would have been prevented. While, of course, it can be debated whether that would have been appropriate, it would have prevented the ownership of more than 1,000 radio stations by one broadcast group. It would also have prevented the increasing concentration of television station ownership under existing licensees. The argument of broadcast owners that they must have increased flexibility to own more and more properties is, I believe, an argument that cannot stand up to examination. In fact, values of television and radio stations had advanced well beyond the rate of inflation for many years prior to the revision of communications law in 1996. Broadcast owners, being

rational people, would have been unlikely to pay these rapidly increasing prices had they not believed that station profitability would support the price. In the main, they believed that profitability would support the price and, in the main, they were correct. The selling price of many medium market television stations has placed ownership well beyond the grasp of almost all Americans. While this price acceleration is good for television station owners, I would argue that it may not be good for the public. The price acceleration existed before the revision of communications law and has increased dramatically since that revision. The "public interest, convenience, and necessity" was a well-considered phrase. It remains a well-considered phrase today. As rules of broadcast ownership concentration are reconsidered, I would suggest that the FCC recall those words and ask whether they are relevant today. If so, does increasing concentration of broadcast ownership serve the objectives of that well-

-considered phrase. If the airwaves continue to belong to the public, I would suggest that some strong consideration of how well the public is being served by concentration of ownership is in order. Going beyond the traditional limits of broadcast television, does anyone really believe that satellite television providers would operate as they now do if there were 50 providers instead of basically two? The same considerations will enter the thinking of broadcast station owners. I do not believe, as an individual consumer, that my interests are served by ownership concentration of radio or television stations. "Sister station" on-air promotions always remind me that the programming choices on two television stations are being made by one broadcast owner. While having four owners make these choices, rather than two, might not guarantee an increase in quality, it certainly would guarantee an increase in diversity. Pandora's Box has been opened by the 1996 communication law revisions. Can the more preferable ownership environment of 1995 be restored? If so, we should make the attempt to do so. If not, we should do everything possible to prevent further broadcast station ownership concentration. We are not, in my judgment, better served by two national soft drink companies than we were by thousands of local bottlers. While the analogy may not be appropriate to the broadcast environment, I sincerely believe that concentrated broadcast ownerships will continue under present law and regulation. If it is believed that such continued concentration is in the public interest, lawmakers and regulators should at least make the decisions that lead to it knowing what the result will be. They should also be willing to tell the public what the result will be and why they believe it to be in the interest of the people of the United States. Personally, I can't think of one rational argument in support of increased concentration of broadcast ownership.